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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,512

09/26/2003

Akira Maruyama

02-101

8602

23400 7590 04/19/2007  
POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

2 ✓

<b>Office Action Summary</b>	Application No. 10/670,512	Applicant(s) MARUYAMA ET AL.	
	Examiner Gary K. Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) 7,11,19,23,26,29 and 30 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-3,5,6,8,12-16,18,20,24-25 and 27-28 is/are rejected.  
 7) ☒ Claim(s) 4,9,10,17,21,22 and 31 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20030926-20070215</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Applicant's election without traverse of the figure 5 species in the reply filed on 16 January 2007 is acknowledged.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 8, 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent 10-194091.

The Japanese patent discloses the invention as is claimed, including washer equipment (fig.1,6) for jetting washings to each sweeping area of a windshield of a vehicle. A primary jet element (24) splashes washings to a first splashdown (P2) in each sweeping area of the driver side and passenger side wiper blade (36,34). A spaced secondary jet element (26) splashes washings down to a second splashdown disposed in an area of an upper side of the sweeping area of the driver's side wiper blade and is disposed outside an upper reverse position of the passenger side wiper blade (fig.1).

With respect to claim 8, such is purely functional and does not define any structure not disclosed by the Japanese patent.

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Claims 1, 2, 5, 6, 8, 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent 5-301564.

The Japanese patent discloses the invention as is claimed, including washer equipment (fig.1) for jetting washings to each sweeping area of a windshield of a vehicle. A primary jet element (5) has primary jet nozzles to direct fluid to both the driver side (12a) and passenger side (14a) or (13c). Such nozzles must be spaced at least minimally to function properly. Jet element (4) directs washings to a second splashdown (11a) in the driver side, outside the upper reverse position of the passenger side wiper blade (3).

With respect to claim 6, if washer nozzle (5) is considered to have the primary and secondary jet elements to spray at (13c) and (12a), it appears the claim is met.

With respect to claim 8, such is purely functional and does not define any structure not disclosed by the Japanese patent.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12, 13, 14, 15, 16, 18, 20, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent 10-194091 in view of Japanese patent 53-2828.

Japanese patent '091 discloses all of the above recited subject matter with the exception of the primary jet element being a diffusion jet.

The Japanese patent '828 discloses the use of diffusion jets (3, fig.1) for spraying both driver's side sweeping area and passenger's side sweeping area. Use of diffusion jets is well known to improve or increase fluid coverage.

It would have been obvious to one of skill in the art to substitute a diffusion jet for one or plural of the directional jets of the '091 equipment, as suggested by the '828 patent, to increase fluid supply coverage and thus cleansing of the windshield.

With respect to claim 14, if spaced jet elements (24,26) are considered the primary jet elements and jet element (22) as the secondary jet element, it appears the claim is met.

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Claims 3, 12, 13, 16, 18, 20, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent 5-301564 in view of Japanese patent 53-2828.

Japanese patent '564 discloses all of the above recited subject matter with the exception of the primary jet element being a diffusion jet providing flow having a fan shape.

The Japanese patent '828 discloses the use of diffusion jets (3, fig.1) for spraying both driver's side sweeping area and passenger's side sweeping area. Use of diffusion jets is well known to improve or increase fluid coverage and to provide a flow having a fan shape.

It would have been obvious to one of skill in the art to substitute a diffusion jet for one of the directional jets of the '564 equipment, as suggested by the '828 patent, to increase fluid supply coverage and thus cleansing of the windshield.

#### *Allowable Subject Matter*

Claims 4, 9, 10, 17, 21, 22 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
16 April 2007